

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : Criminal No. 1:01-CR-00351
:
v. : (Judge Rambo)
:
MICHAEL EUGENE SHIPE : (Electronically Filed)
:

MOTION TO WITHDRAW AS COUNSEL IN PROCEEDINGS
RELATED TO CRACK COCAINE AMENDMENT

AND NOW, comes the Federal Public Defender's Office, and files this Motion to Withdraw as counsel, and in support thereof, avers as follows:

1. On April 24, 2008, Michael E. Shipe filed a Pro Se Motion to Modify Term of Imprisonment pursuant to 18 U.S.C. § 3582(c)(2).

2. In this motion, Michael E. Shipe, asks for a sentence reduction based on the reduction of the crack cocaine guidelines.

3. On April 24, 2008, the Federal Public Defender's Office was appointed to represent Michael E. Shipe for the purpose of addressing the crack cocaine amendment pursuant to 18 U.S.C. § 3582(c)(2).

4. On October 2, 2002, Michael Shipe was sentenced to 120 months of incarceration on two counts of interstate travel in aid of racketeering.

5. Mr. Shipe had negotiated a plea agreement which avoided a ten-year mandatory sentence and a career offender designation.

6. Without reference to the career offender guideline, the probation office determined the guideline to be 168 to 210 months (V and 31) for between 50 and 150 grams of crack cocaine and a weapon enhancement.

7. Under the career offender guideline, Mr. Shipe's range would have been 262 to 327 months.

8. The amendment to crack cocaine guideline for 50 and 150 grams of crack cocaine reduces the level to 30 and, in Mr. Shipe's case, yields a final level (with the gun increase) of 29.

9. An offense level of 29 and criminal history of V yields a sentence range of 140 to 175.

10. Since Mr. Shipe was sentenced to 120 months, the guideline amendment does not help him.

11. Based on the above, the Federal Public Defenders Office moves this Court to withdraw as counsel in the proceedings related to the crack cocaine amendment pursuant to 18 U.S.C. § 3582(c)(2).

WHEREFORE, based on the above, the Federal Public Defenders Office respectfully requests that this Honorable Court grant the motion to withdraw as counsel in proceedings related to the crack cocaine amendment.

Respectfully submitted,

Date: May 5, 2008

/s/ Thomas A. Thornton, Esquire
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CERTIFICATE OF SERVICE

I, Thomas A. Thornton, of the Federal Public Defender's Office, do hereby certify that I served a copy of the foregoing **MOTION TO WITHDRAW AS COUNSEL IN PROCEEDINGS RELATED TO CRACK COCAINE AMENDMENT**, via Electronic Case Filing, or by placing a copy in the United States mail, first class in Harrisburg, Pennsylvania, addressed to the following:

MARTIN C. CARLSON, ESQUIRE

[REDACTED]

WILLIAM A. BEHE, ESQUIRE

[REDACTED]

DREW THOMPSON

[REDACTED]

MICHAEL EUGENE SHIPE

[REDACTED]

Date: May 5, 2008

/s/ Thomas A. Thornton, Esquire

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